

STATEMENT OF REASONS FOR THE SECOND MODIFICATION

Section 345.02

Subsection (d)(9) is amended to update the revision of the Traffic Violator School Branch Business Office/Classroom Application, form OL 712 from 2/2011 to 10/2011.

Revisions to the OL 712 include the following:

On page 1 (Section B) the phrase “Classes shall not be offered until official approval is received from Occupational Licensing” is deleted and replaced with “Use of a requested classroom for instruction shall not begin until approval from DMV is received. (CCR 345.74)” This provision simply rephrases the previous note and provides a CCR citation.

On page 2 (Section E) the Note stating, “Per California Code of Regulations, Section 345.40, a schedule must be on file with the department before the classroom may be used” is deleted. Amendments made to Section 345.40 contained in this action negate the need for this verbiage.

Subsection (d)(12) is repealed because the form OL 602 is an obsolete form and not required to be submitted.

Subsection (h)(6) is amended to delete the reference to 24 months and replace it with 12 months. This modification ensures consistency throughout this section.

Section 345.15

Subsection (a)(1) is amended to update the revision of the Traffic Violator School Branch Business Office/Classroom Application, form OL 712 from 2/2011 to 10/2011. Detailed revision information is provided in Section 345.02(d)(9) above.

Section 345.18

Subsection (a)(2) is amended to amend the period for which the department will reserve a name from one year to six months.

Section 345.29

Subsection (b) is amended to add the word disapproval. This word was mistakenly repealed in an earlier modification.

Section 345.30

Subsection (a) is amended to amend the revision date of the form OL 613 from 7/2011 to 10/2011.

Changes made to the October 2011 revision appears on page 3 (Topic Areas) in number XII. Course Evaluation. The word “Optional” is deleted to remove any

ambiguity. Student completion of the course evaluation is optional, however, the time allotted for a students to complete the evaluation is not optional.

Subsection (b)(1) is amended to modify the minimum classroom minutes from 360 to 340. This will provide for a 60 minute post knowledge exam while ensuring the total 400 minute program is still intact.

Subsection (d)(3)(D) is adopted to detail the methods by which the course evaluations are to be bundled for remittance to the department. The information provided on the roster is critical for the department's review and oversight of classroom programs. The roster requires the name and license number of the school which, in turn, allows the department to match the evaluations to the appropriate school. This information is an integral part in the department being able to identify an instructor or classroom location that may not meet departmental standards. Requiring the roster to include an indicator as to which students completed the course is necessary to enable the department to identify instructors who have an excessive number of missing evaluation forms.

Subsection (d)(3)(E) is adopted to establish similar remittance procedures for home study and internet based programs. Neither of these modalities have a roster. Instead, this regulation requires the submission of a list of students that completed the course during the quarter when the evaluations occurred. Neither home study nor internet courses have "classes" or groups of students that complete the course at the same time under the direction of an instructor. The quarterly list of completions requires the school operator to sign a certification under penalty of perjury that each student listed as having completed a course that meets the standards in Article 4.7.

Prior to AB 2499, completion of a traffic violator school course was documented by a hard copy completion certificate that included the certification of completion signed by the instructor. Home study and internet modalities require a licensed instructor to assist students with questions regarding course content but a specific instructor may not have knowledge of a particular student's completion of the course and multiple instructors may take part in assisting one student over the course of a program. Based on the business structure of these modalities, it is necessary to assign responsibility for determining successful completion of the course to the school's operator, who is responsible for the day to day operations of the school.

Subsection (d)(6)(C) is amended to change the data elements required from a student to enable the reporting of course completion. During the development of the traffic violator school course completion tracking database, the department worked with the courts and industry to determine which data elements are necessary to allow a court to identify the violator and complete adjudication of the violation. With the assistance of courts and industry, the department determined that having the court code and court reference number was the only data required from a violator other than the normal identifying information. Without this information from the student, the school cannot determine that a court has agreed to allow the violator to attend a traffic violator school course and the course cannot be reported as completed.

Subsections (e)(1) and (e)(2) are amended to modify the minimum classroom minutes from 360 to 340. This will allow for a 60 minute post knowledge exam while ensuring total 400 minute program is still intact.

Subsection (e)(3) is adopted to require a school to submit a minimum of three post knowledge tests for review. This will ensure that all tests are reviewed by the department.

Subsection (f)(2)(D) is amended to modify the data elements required for an internet course. As with subsection (d)(6)(C) above, the department relied heavily on courts and industry to determine the data elements necessary to apply completion to the appropriate driver.

Section 345.36

Subsection (a)(1) is amended to modify the data elements for reasons explained above.

Subsection (b)(14) is amended to delete provisions related to instructor validation of student information. Provisions formerly in this subsection are moved to subsection (b)(15). The added language in subsection (b)(14) establish requirements that a traffic violator school provide a classroom roster to the instructor of a course and specifies the basic contents required on a roster. This section specifies that the roster contain school and instructor identifying information to enable the department to identify the correct licensees.

The date and location of the class is necessary to enable the department to determine if the school has submitted, posted, or retained the required scheduling information and has met the requirements for use of a classroom location.

The name and identifying information of the students in the course will assist the school with resolving reported problems and will assist the department with investigating complaints.

The total number of the students who attended the class is necessary to enable the department to identify schools or instructors that have a high percentage of missing evaluations. Requiring the instructor to indicate which students actually completed the course is necessary because the court roster may include violators that do not appear for the course or who fail to complete the course.

Subsection (b)(15) is amended to reflect language formerly in subsection (b)(14).

Subsection (b)(16) is amended to reflect language formerly in subsection (b)(15).

Subsection (b)(17) is adopted to provide procedures for addressing classroom students who fail the required post knowledge test. Requiring a student to pass a post knowledge test is a new requirement and the school and instructor are required to have knowledge in

the procedures just as much as a violator should have knowledge in his or her right to a second test.

This provision allows for a student to take a second post knowledge test if he or she fails the initial test.

Subsection (b)(17)(A) is adopted to establish procedures when a student passes the second test on the same day he or she completed course instruction. The instructor is directed to indicate successful completion on the roster. Although the student failed one test, it is necessary to ensure the instructor marks the roster to indicate the student passed the examination when taken a second time.

Subsection (b)(17)(B) is adopted to establish procedures when a student passes the second test on a day subsequent to course instruction. Under this circumstance, the roster would not indicate that the student successfully completed the course. To address these situations, the department developed a form that allows an operator to report students who successfully complete the second examination. The operator will verify course instruction completion and certify as to successful completion of the instruction and verify that the student passed the examination on the second attempt.

This section adopts a new departmental form entitled the Traffic Violator School Final Examination Record for Second Attempt, form OL 769 (New 10/2011).

This form contains instructions directing an operator to complete the form pursuant to CCR section 345.36, when a student passes the final examination on a second attempt on a day different from the date the course was completed. The instructions require the second test date to be the same for all students identified on the form.

Section 1 requires the school information, specifically, the name and license number.

Section 2 requires student information consisting of the name, driver license number and date of initial instruction.

Section 3 contains the operator certification whereby the operator certifies (or declares) under penalty of perjury under the laws of California that the foregoing is true and correct.

This certification is consistent among all departmental registration and occupational licensing documents.

The operator is further required to certify that the students identified on the form received the required course instruction and have met all other course requirements and passed the final examination and indicate the date on which the students were tested.

This information will allow the department to accurately report completion data on each driver.

Section 345.40

Subsection (a) is amended to eliminate the requirement that a traffic violator school submit a schedule of classroom courses to the department. Instead, a school can either post its schedule on its website or complete an Official Classroom Location Schedule and retain it in the school records. If this method is chosen, the school must fax a copy of the schedule to the department or its agent within 24 hours of a request. Schedules of classroom courses are used in the department's monitoring of classroom instruction. Without a schedule, it would be impossible to conduct onsite monitoring. Some schools have schedules readily available on their internet website, however, some schools do not have websites and it is necessary that they retain those schedules in their records. When the department monitors the school, the schedules will be requested.

Subsection (b) is amended to allow a school with a website, to file the schedules its records and post to its website.

Subsection (c) is amended to make a school aware that if it fails to post, retain or submit a schedule, the school name will be removed from the department's occupational licensing status list for a period of six months. This provision is necessary to ensure schools are posting and retaining the schedules as required.

Subsections (d), (e), (f), and (g) have been renumbered to subsections (c), (d), (e), and (f), respectively.